REMARKS

For the reasons set forth below, applicant respectfully requests reconsideration of the claim rejections as set forth in the final Official Action.

Claim Rejections - 35 USC §102

At pages 2-7, claims 1-10 and 14-25 are rejected under 35 USC §102(e) as anticipated in view of US patent application publication 2003/0135327, Levine, et al (hereinafter Levine).

With respect to claim 1, the Office states that Levine anticipates said claim with specific reliance on paragraphs [0027]-[0030] and [0102] of Levine. It is argued that these paragraphs and the accompanying Figure 1 disclose the features of claim 1, including that the claimed apparatus comprises a processing component that is configured to select one of at least two different modes of presentation depending on a current posture of the apparatus. Applicant respectfully disagrees.

Paragraphs [0027]-[0030] of Levine define the expressions "Heading or True Heading", "Magnetic Heading" and "Declination or Magnetic-Declination" and thus may simply imply the possibility of determining the posture of an apparatus. Paragraph [0102] mentions the possibility of selecting between different operational modes.

However, in none of these paragraphs, is there a disclosure or suggestion of a link between the current posture of an apparatus and a selected mode of presentation, as required by claim 1.

Paragraph [0102] states that a computing device 110 may receive input from various sensors 140, 130, 120, as well as from a filter 200 and from a keypad 210. The computing device 110 further provides output to a user through display 220.

It is mentioned specifically for the keypad 210 that it may be used to select from various operational modes, enter or select waypoints and routes, select map scale, security code, flight and /or tail number, etc. Thus, in Levine, it is not even a processing component (i.e. the computing device 110) that performs the selection of an operational mode based on some criterion, as required by claim 1, but rather the user via keypad 210.

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There is further no indication that the selection of an operation mode and much less the selection of a mode of presentation may depend in addition on input of any sensor indicating the current posture of the device. The fact that such a possibility had not been considered by Levine also becomes quite clear from the subsequent elaborations in paragraphs [0102] and [0103] of Levine:

> *[0102] ... In a typical operational mode, computing device 110 receives period positional information from GPS receiver 140. Upon receiving such information, computing device 110 reads positional information from the INS 130. This information along with other (e.g., MAG 120, MAG table 160, etc.) is processed through filter 200 (e.g., Kalman). If the GPS positional information agrees with the INS position, within the tolerance imposed by the accuracy of the GPS 140 and drift rate of the INS 130, the GPS position is accepted as accurate and the initial point for the INS 130 is set to the present position. If, on the other hand, data from the GPS is not believable (or non-existent due to a temporary dropout) relative to data from the INS 130, the position supplied by the INS 130 is considered trustworthy and used in lieu of the GPS position. ... [0103] Once an accurate position is determined, computing device 110 typically obtains a vector angle of the magnetic field at the present position from magnetometer 120.* (emphasis added)

Thus, at first an operational mode has to be known, and only thereafter position and posture are determined based on sensor input. Thus, even if the operational mode is considered to include a definition of a particular mode of presentation, this mode has to be selected before any posture of the device is determined. Consequently, the operational mode can only be selected by a user via keypad 210 and not by computing device 110 depending on a current posture of the device.

If GPS/INS/MAG are considered to be some kind of modes, these are only different measuring modes available for determining a position (GPS and INS) and for determining a vector angle of the magnetic field at the present position (MAG). They clearly have no relation to the "various operational modes" mentioned in

paragraph [0102] of Levine nor in any other way to any selectable mode of presentation.

Finally, it has not been shown by the Office that the possibility of selecting various operational modes includes the possibility of selecting various modes of presentation.

In view of the foregoing reasons, it becomes apparent that claim 1 is neither anticipated nor suggested by Levine.

Independent claims 15, 24, and 25 all recite features corresponding to those discussed above with respect to claim 1 and for similar reasons, each of these claims is also neither anticipated nor suggested by Levine.

Dependent claims 2-10, 14, and 16-23 are also neither anticipated nor suggested by Levine at least in view of their dependency from independent claims which are allowable.

Claim Rejections - 35 USC §103

At pages 7-8, claims 11-13 are rejected under 35 USC §103(a) as unpatentable over Levine, further in view of US patent application publication 2002/0140745, Ellenby, et al (hereinafter Ellenby). Claims 11-13 are dependent claims from independent claim 24 and each of these claims is believed to be allowable at least in view of such dependency.

In view of the foregoing, it is respectfully requested that reconsideration of the rejection of the claims be made and early passage to allowance granted.

The undersigned respectfully submits that no fee is due for filing this Request for Reconsideration. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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